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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,193	11/10/2003	Ariel Braunstein	5710P004	5574
7590 Thomas S. Ferrill Blakely, Sokoloff, Taylor & Zafman LLP 1279 Oakmead Parkway Sunnyvale, CA 94085			EXAMINER FINDLEY, CHRISTOPHER G	
			ART UNIT 2621	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/705,193

**Applicant(s)**

BRAUNSTEIN ET AL.

**Examiner**

Christopher Findley

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ : |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6 and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuura et al. (US 20010030773 A1).**

Re claim 1, Matsuura discloses a method, comprising: limiting a one-time-use digital video camera having a digital storage medium for a single use cycle (Matsuura: Fig. 8; paragraph [0044]); and refurbishing the one-time-use digital video recorder for another use cycle of the one-time-use digital video recorder (Matsuura: Fig. 2).

Re claim 2, Matsuura discloses that the refurbishing comprises making the one-time-use digital video recorder operational for another use cycle (Matsuura: Fig. 2, recycling center).

Re claim 3, Matsuura discloses selling the one-time-use digital video camera during a first use cycle (Matsuura: Fig. 2, "purchase"); and selling the one-time-use digital video recorder for a second use cycle after refurbishing the one-time-use digital video recorder (Matsuura: Fig. 2, recycling center).

Re claim 4, Matsuura discloses that a manufacturer sells the one-time-use digital video camera to a vendor (Matsuura: Fig. 2, "buy-in" between the recycling center and the store).

Re claim 5, Matsuura discloses that a vendor sells the one-time-use digital video camera to a consumer (Matsuura: Fig. 2, "purchase").

Re claim 6, Matsuura discloses communicating video data captured by the one time use digital video camera to an external processing unit to process the video data (Matsuura: Fig. 2, open terminal).

Re claim 8, Matsuura discloses distributing the one-time-use digital video camera to a retailer for a consumer to purchase (Matsuura: Fig. 2, the recycling center sends refurbished cameras to the store to be sold to the customer).

Re claim 9, Matsuura discloses forcing a consumer to return the one-time-use digital video camera to a vendor in order for the consumer to obtain video content captured during the use cycle (Matsuura: Fig. 9, the terminal must be verified in order to access the memory).

Re claim 10, Matsuura discloses that a limiting use component contained within the one time use camera restricts the use of the one-time-use digital video camera for a single use cycle (Matsuura: Fig. 8; paragraph [0044], there is a count that is decremented for each picture taken, where the shooting function is disabled when the count reaches zero).

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Claim 11 recites the corresponding apparatus for implementing the method of claim 1, and, therefore, has been analyzed and rejected with respect to claim 1 above.

Claim 12 has been analyzed and rejected with respect to claim 3 above.

Claim 13 has been analyzed and rejected with respect to claim 6 above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 20010030773 A1) in view of Culp et al. (US 6973453 B2).**

Re claim 7, Matsuura discloses a majority of the features of claim 7, as discussed in claim 1 above, but does not specifically disclose enhancing quality of video data captured by the one time use digital video camera with an external processing unit. However, Culp discloses an image collection enhancement method, in which a user's image collection may be augmented by professional pictures (Culp: column 1, lines 54-67; column 2, lines 13-22). Culp further discloses the possibility of utilizing software applications for enhancing the quality

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of the image collection (Culp: column 1, lines 27-35; column 2, lines 3-12). Since both Matsuura and Culp relate to processing collections of user images, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the organizational method of Culp with the digital photograph system of Matsuura in order to enhance the user's picture collection by supplementing it with additional photos (Culp: column 1, lines 41-44) when the customer brings the camera to the photo kiosk (Culp: column 4, lines 49-51 and Matsuura: Fig. 2, open terminal). The combined method of Matsuura and Culp has all of the features of claim 7.

Claim 14 has been analyzed and rejected with respect to claim 7 above.

**5. Claims 15-16, 19-20, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 20010030773 A1) in view of Meitav et al. (US 20040252201 A1).**

Re claim 15, Matsuura discloses an apparatus, comprising: a digital video camera having a non-volatile digital storage medium to store captured video content in a digital form (Matsuura: Fig. 6; paragraph [0042], FROM 113 for storing data); and a server external to the digital video camera having a communication port to receive the captured video content (Matsuura: Fig. 12, input terminal 303 and modem 309/internet; Fig. 21, the images may be emailed to the customer or stored on the web), and a processor configured to process the video content (Matsuura: Fig. 12, communication control section 405). Matsuura

does not specifically disclose a disk drive to supply the video content to a consumer in a video format useable by other consumer devices. However, Meitav discloses a digital camera with reduced image buffer memory and minimal processing for recycling through a service center, where the images from the recycled camera may be given to the user on a CD or DVD (Meitav: paragraph [0009]; Fig. 3). Since both Matsuura and Meitav relate to refurbishing digital cameras for cyclical use, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the compression techniques of Meitav with the photograph system of Matsuura in order to maximize the number of pictures held by the digital camera and make the recyclable camera more attractive to end users (Meitav: paragraph [0007]). The combined system of Matsuura and Meitav has all of the limitations of claim 15.

Re claim 16, the combined system of Matsuura and Meitav discloses a limiting use component to restrict a use of the digital video camera to a single use cycle (Matsuura: Fig. 8; paragraph [0044]).

Re claim 19, the combined system of Matsuura and Meitav discloses that the limiting use component is a capacity of the non-volatile digital storage medium designed to support only a single use cycle and the non-volatile digital storage medium is inaccessible to a user of the digital video camera (Meitav: paragraph [0029]).

Re claim 20, the combined system of Matsuura and Meitav discloses a processor within the digital video camera configured to store the video content in

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a non-consumable format only visible in an intelligible form from the external server and the one-time-use digital camera (Matsuura: Fig. 7; paragraph [0043], verifying an authorized terminal).

Re claim 23, the combined system of Matsuura and Meitav discloses a majority of the features of claim 23, as discussed above in claim 15, but does not specifically disclose that the one-time-use digital video camera has physical dimensions that allows the one-time-use digital video camera to fit within a pocket. However, The Examiner takes Official Notice that digital cameras capable of recording video having physical dimensions allowing the camera to fit within a pocket are well known in the art. Furthermore, one of ordinary skill in the art at the time of the invention would have found it obvious to make the physical dimensions of the camera as small as possible in order to increase the portability, and thus make the camera more attractive to end users.

Re claim 25, the combined system of Matsuura and Meitav discloses that the disk drive embeds the video content onto a non-volatile digital storage medium (Meitav: Fig. 3, user may receive a CD or DVD containing their images from the processing center).

**6. Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 20010030773 A1) and Meitav et al. (US 20040252201 A1) as applied to claims 15-16, 19-20, 23, and 25 above, and further in view of Haas et al. (US 20040012810 A1).**



Re claim 17, the combined system of Matsuura and Meitav discloses a majority of the features of claim 17, as discussed above in claims 15 and 16, but does not specifically disclose that the limiting use component is a clock circuit to monitor an amount of time the video has been recording and after a preset amount of time occurs to trigger a signal to disable the one-time use digital video camera from further use in the current use cycle. However, Haas discloses a system for presenting images captured at an event during the event, where event patrons are provided with disposable cameras (Haas: paragraph [0009]) that are equipped with a time limit feature, which disables operation of the camera after expiration of a given period of time (Haas: paragraph [0026]). Since Matsuura, Meitav, and Haas all relate to retrieving images from a digital camera for presentation to the camera user, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the digital photograph system of Matsuura and the image compression and processing of Meitav with the time limiting feature of Haas, in order to provide photo processing at an event and allow the customer to immediately order pictures from a disposable camera used at special events (Haas: paragraph [0009]). The combined system of Matsuura, Meitav, and Haas has all of the features of claim 17.

Re claim 21, the combined system of Matsuura, Meitav, and Haas discloses that the external server to enhance the captured video content with meta data recorded at the time the video content was filmed (Haas: paragraph [0032], metadata).

**7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 20010030773 A1) and Meitav et al. (US 20040252201 A1) as applied to claims 15-16, 19-20, 23, and 25 above, and further in view of Tanaka et al. (US 20030001959 A1).**

Re claim 18, the combined system of Matsuura and Meitav discloses a majority of the features of claim 18, as discussed above in claims 15-16, but does not specifically disclose that the limiting use component is an amount of battery power contained in the video camera designed-to support only a single use cycle and replacement of the battery power is inaccessible to a user of the digital video camera. However, Tanaka discloses a digital camera and recycle method thereof, where the operability of a rented digital camera is limited to the life of a battery, which is inaccessible to the user (Tanaka: paragraph [0116]). Since Matsuura, Meitav, and Tanaka all relate to retrieving images from a digital camera for presentation to the camera user, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the digital photograph system of Matsuura and the image compression and processing of Meitav with the battery monitoring capability of Tanaka in order to promote timely return of the rented camera (Tanaka: paragraph [0117]). The combined system of Matsuura and Meitav, implemented in conjunction with the method of Tanaka, has all of the features of claim 18.

**8. Claims 22 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al. (US 20010030773 A1) and Meitav et al.**

**(US 20040252201 A1) as applied to claims 15-16, 19-20, 23, and 25 above, and further in view of Culp et al. (US 6973453 B2).**

Re claim 22, the combined system of Matsuura and Meitav discloses a majority of the features of claim 22, as discussed above in claim 15, but does not specifically disclose that the external server to enhance the original captured video content by adding in stock video intermixed with the original video when a video product is supplied to a consumer. However, Culp discloses an image collection enhancement method, in which a user's image collection may be augmented by professional pictures (Culp: column 2, lines 3-12; Fig. 3, professional images may be added in with the user's images). Since Matsuura, Meitav, and Culp relate to processing collections of user images, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the organizational method of Culp with the digital photograph system of Matsuura and the image compression and processing of Meitav in order to enhance the user's picture collection by supplementing it with additional photos (Culp: column 1, lines 41-44) when the customer brings the camera to the photo kiosk (Culp: column 4, lines 49-51 and Matsuura: Fig. 2, open terminal). The combined system of Matsuura and Meitav, implemented in conjunction with the method of Culp, has all of the features of claim 22.

Re claim 24, the combined system of Matsuura and Meitav, implemented in conjunction with the method of Culp discloses a digital viewfinder display to allow a user to review and delete video content that has been recorded on the

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non-volatile digital storage medium (Culp: column 1, lines 22-25, preview screen).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Method, business processes and apparatus for remote data, image and video collection, transmission and distribution using cellular electronic serial number enabled devices

Strisower (US 20040083275 A1)

b. Digital camera capable of being collected for reuse

Okada et al. (US 20010040625 A1)

c. Digital camera system and camera recycle system

Kubota (US 20030001957 A1)

d. One-time-use digital camera

Minne et al. (US 6950129 B1)

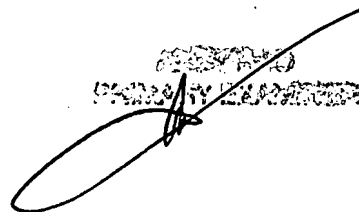
### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Findley whose telephone number is (571) 270-1199. The examiner can normally be reached on Monday-Friday 7:30am-5pm, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Findley/

A handwritten signature in black ink, appearing to be "Christopher Findley", written over a faint, rectangular stamp that is mostly illegible.